

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ತಾವು ಹೇಳಿದ್ದು ಗೊತ್ತಾಗಲಿಲ್ಲ. ಕಾಲಿಂಗ್ ಅರ್ಜಿಪರ್ ಮೋಷನ್ ಇಷ್ಟು ದಿವಸಗಳಾದರೂ ಚರ್ಚೆಗೆ ಬಾರದೇ ಹೋದರೆ ನಾವು ಏನು ಭಾವಿಸಬೇಕು? ಸರ ಕಾರ ಇದೆಯೇ ಇಲ್ಲವೇ ಎಂದು ಏನು ಭಾವಿಸಬೇಕು?

Mr. SPEAKER.—I told him just now. He must have heard it. I cannot repeat it. I call the Member to Order.

Sri S. SIVAPPA (Sravanabelgola).—The Hon'ble Minister for Education has not been attending the Session for the last one week. I am reading in the Press that he is attending several functions outside the House. Yesterday, I was told in the House that he was not well. He is touring and attending functions, but he is not attending the Session.

Mr. SPEAKER.—If he was well yesterday, it does not mean that he is well to-day.

Sri S. SIVAPPA.—When he is attending the functions outside, he can as well attend the Session.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಸಿರಾ).—ನಾನು ಒಂದು ಪತ್ರ ಬರೆದು ಕಳಿಸಿದ್ದೇನೆ; ಅದು ಏನಾಯಿತು?

Mr. SPEAKER.—I will look into the matter.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಅದನ್ನು ತಮ್ಮ ನೋಟೀಸಿಗೆ ತಂದಿದ್ದೇವೆ. ಮಾನ್ಯ ವಿದ್ಯಾಸಚಿವರು ಸಭೆಗೆ ಬರುತ್ತಾ ಇಲ್ಲ.

Mr. SPEAKER.—What is it that the Hon'ble Member wants me to do? Should I not apply my mind to that matter and discuss it with the Chief Minister or the Minister concerned?

Sri C. J. MUCKANNAPPA.—I have absolutely no objection or any grouse against the Chief Minister. The Education Minister is not here. If the Chair is deciding the matter with the Chief Minister, I quite agree. Let not the Members of the House be left in the lurch.

Mr. SPEAKER.—It has been sufficiently repeated.

POINT OF ORDER *Re* COMPETENCE OF THE ASSEMBLY TO CONSIDER MYSORE DRAMATIC PERFORMANCES BILL

ಶ್ರೀ ಎಸ್. ಎಂ. ಕೃಷ್ಣ (ಮದ್ದೂರು).—ನಾಟಕಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಈ ವಿಧೇಯಕವನ್ನು ಈ ಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಮಾನ್ಯ ಸಚಿವರ ಮಂಡಿಸಲು ಈಗ ಹೊರಟಿದ್ದಾರೆ. ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ಪ್ರಜೆಗಳಿಗೆ ಕೆಲವು ಹಕ್ಕುಗಳನ್ನು ಏನು ಕೊಡಲಾಗಿದೆಯೋ ಅದಕ್ಕೆ ವಿರೋಧವಾಗಿ ಈ ವಿಧೇಯಕ ಇದೆ. ಈ ರೀತಿ ಇದು ವಿರೋಧವಾಗಿ ಇರುವುದರಿಂದ ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ಕೊಡಲಾದ ಹಕ್ಕನ್ನು ಮೊಟಕು ಮಾಡಿದ ಹಾಗೆ ಆಗುತ್ತದೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ಹಕ್ಕನ್ನು ಮೊಟಕು ಮಾಡಲು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ನೈತಿಕವಾಗಿ ಯಾವ ಹಕ್ಕೂ ಇಲ್ಲ ಎಂದು ಈ ಕ್ರಿಯಾರೋಪವನ್ನು ತಮ್ಮ ಅವಗಾಹನೆಗೆ ತರುತ್ತೇನೆ.

Mr. SPEAKER.—This is not the position that has arisen for the first time. Unless it is contrary to the Constitution, I have no power to decide. The Hon'ble Members must remember the past Rulings that had been given, in this regard several times. If it is a doubtful point, I am not the person to sit in judgment.

Sri K. LAKKAPPA (Hebbur).—Sir, the legislation that they are going to introduce is already a piece of legislation in the Criminal

Procedure Code. It is a Central Act. There is no need for this Government to introduce it.

Mr. SPEAKER.—What is the Point of Order in that? Will he kindly tell me which ruling he is referring to? It is superfluous.

Sri K. LAKKAPPA.—It is in support of Article 19 of the Criminal Procedure Code; it is a defamatory matter. There is an enactment to that effect. Such a clause has been introduced by introducing a piece of legislation. It is not necessary for the Government to introduce it. It violates the Constitution and it is opposed and repugnant to the constitution. Such a legislation should not be introduced, unless it is circulated and unless the public are informed in the Election Manifesto that they are going to introduce such a piece of legislation, they cannot introduce it.

Mr. SPEAKER.—Now the Hon'ble Member must think out the point clearly. He has brought three points together. One is, I have consolidation. How does the question of consolidation arise when overruled the point. The second point is that this is provided for in the Criminal Procedure Code. There is no point in that. Has the Hon'ble Member got any precedent? Has he got any authority in support saying that the provision in the Criminal Procedure Code is an absolute bar for a Bill of this kind being introduced here? The third point is with regard to the Election Manifesto. Is that a Point of Order? Hereafter, I may have to ignore his Points of Order. There is no Point of Order.

Sri ANGADI CHANNABASAPPA (Hadagall).—His point is that the Congress when they contested the elections.....

Mr. SPEAKER.—Let the Hon'ble Member not make it worse by trying to support it by and unsupportable argument.

Sri D. PARAMESWARAPPA (Honnali).—I want to submit one point, Sir. Though there is no hard and fast rule preventing the Hon'ble Minister from making such a legislation, my submission is that on the ground of morality and expediency, this legislation was quite unnecessary and it should not have been brought.

Mr. SPEAKER.—Being a lawyer, does he want to bring in the question or ignoring the rules?

Sri D. PARAMESWARAPPA.—Though there is already a provision to govern all this, where is the necessity for this legislation? That is my submission.

Sri ANGADI CHANNABASAPPA.—I rise to a point of order. I have read article 14...

Sri C. J. MUCKANNAPPA.—There cannot be a point of order unless the Chair disposes of the point of order raised by Sri K. Lakkappa.

Mr. SPEAKER.—I have already a rule that there is no point of order.

Sri ANGADI CHANNABASAPPA.—As I read article 14 with regard to repealing clause, I see that the Dramatic Performances Act 1876 as in force in Bombay area will have to be repealed. Now my doubt is...

Mr. SPEAKER.—In a point of order, what is his doubt?

Sri ANGADI CHANNABASAPPA.—Our doubts must be cleared, Sir. The Chair is our Godfather.

Mr. SPEAKER.—Just as Godfather should be a good Godfather, Godsons also should be good.

Sri ANGADI CHANNABASAPPA.—Whether this House has the power to repeal a particular Imperial Enactment that is in force in some part of this State and after repealing it, whether a new enactment can be passed, is the doubt.

Mr. SPEAKER.—Has he studied in which list this subjects comes whether it is in the concurrent list or the State list?

Sri ANGADI CHANNABASAPPA.—It is in force in Bellary District, Sir. There can be an altogether new enactment. Whether this House has got the power to repeal an Imperial Enactment.....

Mr. SPEAKER.—It has been there long before the constitution. I want the Hon'ble Member study it seriously.

Sri ANGADI CHANNABASAPPA.—It has been said in the Statement of Objects and Reasons that such a provision to repeal an Imperial Act has been held to be *ultra vires* in respect of State Legislatures.

Mr. SPEAKER.—Let him study it better.

Sri ANNA RAO GANAMUKHI (Afzalpur).—Sir, I should like to support the point of order raised.....

Mr. SPEAKER.—I have ruled it out of order.

Sri ANNA RAO GANAMUKHI.—There is a provision in the Rules of Procedure to the effect that if a Bill is opposed on the ground that it is against the fundamental right, then it is left to the Chair to decide whether discussion should be allowed or not. The discretion vests with the Chair.

Mr. SPEAKER.—Why should the Hon'ble Member think that I was not aware of this when I allowed the matter to be discussed.

Sri ANNA RAO GANAMUKHI.—If a constitutional point is raised, it is for the Chair to decide whether that point is tenable or not.

Mr. SPEAKER.—If the Hon'ble Member comes to my chambers, I will give him plenty of literature so that he may know that if it is a debatable point, the House itself will have to decide it and not the Speaker.

Secondly, it should have been raised at the time of introduction. We are now at the stage of consideration of the Bill. What were the Hon'ble Members doing at that time?

Sri S. M. KRISHNA.—We raised the objection even when this Bill was introduced. It was then said that it was premature.

Mr. SPEAKER.—If that was ruled out at that time, the Hon'ble Member should have raised it again.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಈ ಮಸೂದೆಯನ್ನು ಸಭೆಯ ಮುಂದೆ ತರುವಾಗಲೇ ಕ್ರಿಯಾ ರೋಪವನ್ನು ಎತ್ತಲಾಯಿತು. ತಾವು ಅದು ಕ್ರಿಯಾರೋಪವಲ್ಲ ಎಂದು ತಳ್ಳಿಹಾಕಿದಿರಿ. ಮೊದಲನೆಯದಾಗಿ ಮೂಲಭೂತ ಹಕ್ಕನ್ನು ಮೊಟಕು ಮಾಡತಕ್ಕ ಪ್ರಕರಣಗಳು ಇದರಲ್ಲಿ ಇವೆ.

Mr. SPEAKER.—I have over-ruled it. I will not permit it to be raised again.

Sri S. GOPALA GOWDA.—The Speaker has been pleased to order he publication. ಮೊದಲನೆಯದು ಅದೇ ತಪ್ಪು.....

Mr. SPEAKER.—It is not a Debate that I am having with the hon'ble Member. Whatever he may say, he may raise a point of order which is new. If he thinks there is a point of order, let him tell me that point first. If he is agitating what has already been overruled, I will not allow it.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಮನುಷ್ಯನನ್ನು ಪ್ರಕಟ ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾರದವರಿಗೆ ವಕಾಶ ಕೊಟ್ಟಿರುವುದೇ ತಪ್ಪು, ಎರಡನೆಯದಾಗಿ ಇಂತಹ ಮನುಷ್ಯ ನಮ್ಮಲ್ಲಿ ಇಲ್ಲ ಎಂದು ಬದರಾಸ್ ಆಕ್ಟ್ 1924... ..

Mr. SPEAKER.—I expect something better.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ತಾಳು ಮಾಡಿರುವುದು ಆರ್ಟಿಕಲ್‌ನಲ್ಲಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತಾ ಇದ್ದೇನೆ.....

Mr. SPEAKER.—I am sorry, I am not allowing it.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಹಾಗಾದರೆ ಯಾವ ರೀತಿ ಕ್ರಿಯಾಲೋಪವನ್ನೆತ್ತಬೇಕೆಂಬುದನ್ನು ಹೇಳಿ, ಸ್ವಾಮಿ ; ಆ ರೀತಿ ಕ್ರಿಯಾಲೋಪವನ್ನೆತ್ತುತ್ತೇನೆ. (ನಗು)

Mr. SPEAKER.—I will tell him in proper time.

Sri C. J. MUCKANNAPPA.—May I draw the attention of the Chair to rule 67 ?

“If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the Governor, the Member shall annex to the notice such sanction or recommendation conveyed through a Minister and the notice shall not be valid until this requirement is complied with”

For this particular Bill, we do not know whether there is any sanction of the Governor.

Mr. SPEAKER.—Under what provision of the Constitution ?

Sri C. J. MUCKANNAPPA.—I am referring to rule 67. The rule requires that the recommendation of Governor should be annexed to the Bill. Such being the case, can this legislation be introduced in this House ?

Mr. SPEAKER.—Under what provision of the Law ? The rules of procedure provide merely for matters of procedure. There must be some statute in support of what he says.

ಶ್ರೀ ಎ. ಎಂ. ದೇವ್.—ಇದರಲ್ಲಿ ಏನಾಗಿದೆ ಎಂದರೆ, The Executive is enforcing what the judiciary has stated as illegal. Does it not show that this Government is rather law-less ?

ಮೊನ್ನೆ ಒಂದು ಬಾರ್ ಪಾಸ್ ಮಾಡಿಸಿದಿರಿ—ಹೈಕೋರ್ಟಿನವರು ಹೇಳಿದ್ದಾರೆ: The Executive has introduced it in spite of the fact that it has been disallowed in the High Court. Does it not lead to bad legislation, when an eminent Speaker is sitting in the Chair ? That is the point agitating my mind very much.

Mr. SPEAKER.—The member can oppose the Bill.

MYSORE DRAMATIC PERFORMANCE BILL, 1963

Motion to Consider.

Sri R. M. PATIL (Minister for Home).—Mr. Speaker, Sir, I beg to move :

“That the Mysore Dramatic Performances Bill, 1962 be taken into consideration.”

(Sri S. Sivappa Fose)

Mr. SPEAKER.—Is it a point of order ?

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಮಾನ್ಯ ಸಭಾಪತಿಗಳು : ರಾಜ್ಯಾಂಗದತ್ತವಾಗಿ ಪ್ರಜೆಗಳಿಗೆ ಬಂದಿರತಕ್ಕ ಸ್ವಾತಂತ್ರ್ಯಕ್ಕೆ ಅಡ್ಡಿರತಕ್ಕ ಮನೋದಯನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಲು ಸರ್ಕಾರದವರು ಪ್ರಯತ್ನಪಡುತ್ತಿರುವುದರಿಂದ, ಸರ್ಕಾರದವರ ಈ ನೀತಿಯನ್ನು ಬಂಡಿಸಲು ನಾವು ಸಭಾತ್ಯಾಗ ಮಾಡುತ್ತೇವೆ.

(The Members of the Opposition withdrew from the House.)

Mr. SPEAKER.—Motion moved :

“ That the Mysore Dramatic Performances Bill, 1963 be taken into consideration.”

Sri R. M. PATIL.—This piece of legislation which is intended to be proposed and considered is clearly relatable to Entry 33 of the State List in the 7th Schedule of the Constitution. Therefore, the State is quite competent to undertake the legislation. In order to have an expedient way for providing the better control of public dramatic performances in the State of Mysore, this piece of legislation has been introduced for consideration by this august House. The Dramatic Performances Act, 1876 (Central Act 19, of 1876) is in force in the Bombay area, Coorg District and Bellary District. The Madras Dramatic Performances Act, 1954 (Madras Act 33 of 1954) is in force in the Madras area. There is no corresponding law on the subject in the Hyderabad area and in the old Mysore area. So far as the Central Act of 1876 is concerned, it has been decided by the High Court of Madras that section 6 of the Central Act is repugnant to the Constitution and as such, the Madras State Legislature passed the Madras Dramatic Performances Act in 1954 itself. Similarly, the Allahabad High Court as far back as 1956 declared that the Central Act was *ultra vires* of the Constitution. The Punjab High Court also held the same view. In pursuance of these decisions, the Government of India was pleased to direct the State Government in 1959 to prepare a draft Bill on the model of the Madras Act and make a uniform law for the State. In pursuance of that direction, this Bill has been prepared. The lacunae that were found in the Central Act have been rectified in this Bill. What was said to be repugnant in the Central Act was that there was no procedure which is said to be a reasonable one so as to give a reasonable opportunity to the aggrieved person. Therefore, the right of speech and expression, was curtailed. Before it was restricted, what was